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SEP 24 2009

AZ OSTEOPATHIC BOARD

BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

IN THE MATTER OF:) Case No: DO-09-0025
)
)
AARON GLOSKOWSKI, D.O.)
Holder of License No. 4405) AMENDMENT TO
) PROBATIONARY ORDER
)
For the practice of osteopathic medicine in the)
State of Arizona)
)

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and Aaron Gloskowski, D.O. (hereinafter "Physician"), the parties, having met on September 12, 2009; hereby agree to the following disposition of this matter.

Respondent acknowledges that the Consent Agreement and Order for Probation he has previously signed in this matter remains in full force and that this Amendment replaces one term of Order he has previously signed.

REVIEWED AND ACCEPTED THIS 23rd DAY OF SEPTEMBER 2009.

Aaron Gloskowski D.O.
Aaron Gloskowski D.O., Respondent

AMENDED ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED AS FOLLOWS:

Effective September 12, 2009, pursuant to A.R.S. §§ 32-1855 (C) and 41-1064 (C), License No. 4405 held by AARON GLOSKOWSKI D.O., ("Physician") remains on **PROBATION** with all terms of the original Order, except that the following paragraph replaces the paragraph contained in paragraph 1 of the Order at page 4:

1. **Practice of Medicine:** Physician may practice medicine forty (40) hours per week.

ISSUED THIS 24th DAY OF SEPTEMBER, 2009.

STATE OF ARIZONA
BOARD OF OSTEOPATHIC EXAMINERS IN
MEDICINE AND SURGERY

By: _____

Elaine LeTarte
Elaine LeTarte, Executive Director

Original "Amendment to Probationary Order"
filed this 24th day of September, 2009 with the:

Arizona Board of Osteopathic Examiners in Medicine and Surgery
9535 East Doubletree Ranch Road
Scottsdale AZ 85258-5539

Original
Copy of the foregoing "Amendment to Probationary Order"
sent via regular mail to:

Aaron Gloskowski, D.O.
Address of record

Copy of the foregoing "Amendment to Probationary Order"
sent via ~~interagency mail~~ *email* this 24th day of September, 2009 to:

Marc Harris, Asst. AG
Office of the Attorney General CIV/LES
1275 West Washington
Phoenix AZ 85007

Kathy Towles

**BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**

IN THE MATTER OF:

Case No.: DO-09-0025

AARON GLOSKOWSKI, D.O.

Holder of License No. 4405

For the practice of osteopathic medicine in the
State of Arizona

**CONSENT AGREEMENT AND
ORDER FOR PROBATION**

RECEIVED

JUN 25 2009

AZ OSTEOPATHIC BOARD

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and Aaron Gloskowski, D.O. (hereinafter "Respondent" or "Physician"), the parties, hereto agree to the following:

1. Respondent acknowledges he has read this Consent Agreement and Order for Probation and is aware of and understands the content of these documents.

2. Respondent understands that by entering into this Consent Agreement and Order for Probation, he voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review of the Consent Agreement and Order for Probation in state or federal court.

3. Respondent understands that this Consent Agreement and Order for Probation will not become effective unless approved by the Board and signed by its Executive Director.

4. Respondent further understands that this Consent Agreement and Order for Probation, once approved and signed, is a public order and shall be publicly disseminated as a formal action of the board to the National Practitioner Databank, the Federation of State Medical Board's databank, the American Osteopathic Association, and on the Board's website.

5. Respondent admits to the findings of facts and conclusions of law contained in this Consent Agreement and Order for Probation.

6. All admissions made by Respondent are solely for final disposition of this matter and any subsequent administrative proceedings or litigation involving the Board, Respondent and the State of Arizona and therefore, Respondent's admissions are neither intended nor made for any other purpose or administrative regulatory proceeding or litigation in another state or federal court.

7. Respondent acknowledges and agrees that upon signing and returning this document (or a copy thereof) to the Board's Executive Director, he may not later revoke or amend any part of the Consent Agreement and Order for Probation, without first obtaining Board approval.

REVIEWED AND ACCEPTED THIS 24 DAY OF ^{JUNE}~~MAY~~, 2009.
_{AG}

Aaron Gloskowski D.O.
Aaron Gloskowski, D.O., Respondent/Physician

FINDINGS OF FACT

1. On November 21, 2008 Respondent entered into a Stipulated Rehabilitation Agreement (hereinafter "Agreement") with the Board to enroll and participate in the Board's confidential program, under A.R.S. § 32-1861, for the treatment and rehabilitation of doctors of osteopathic medicine who are impaired by alcohol or drug abuse. A copy of the Agreement is attached hereto and incorporated herein by this reference.

2. As part of that Agreement, Respondent agreed to take only medications prescribed to him by his Primary Care Physician (see term 8 of Agreement).

3. As part of that Agreement, Respondent agreed to submit to Biological Fluid Collection for testing (see term 12 of Agreement).

4. As part of that Agreement, Respondent agreed that, in the event of a relapse, he would promptly enter an Interim Consent Agreement for Practice Restriction that requires, among other things, that the Physician not practice medicine until such time as the Physician

1 successfully completes a long-term inpatient or residential treatment program designated by the
2 Board. (see term 21 of Agreement).

3 5. On February 23, 2009, Respondent submitted a sample for testing.

4 6. On February 25, 2009, the Board staff was notified by the lab that Respondent's
5 sample tested positive for methamphetamines. Respondent maintained regular office hours on
6 February 23, 24 and 25.

7 7. Upon notice from the Executive Director on February 25, 2009, Respondent
8 voluntarily refrained from practicing medicine.

9 8. On March 4, 2009, Respondent signed an Interim Order for Practice Restriction.

10 9. On or about April 30, 2009, Respondent successfully completed and was
11 discharged from in-patient treatment.

12 10. On May 18, 2009, Respondent entered an Intensive Outpatient Program ("IOP") at
13 Banner Health.

14 **CONCLUSIONS OF LAW**

15 1. Pursuant to A.R.S. § 32-1800, et seq. the Board has subject matter and personal
16 jurisdiction in this matter.

17 2. The conduct and circumstances described in paragraphs 5 and 6 above constitute
18 unprofessional conduct as defined in the following paragraphs of A.R.S. § 32-1854:

19 (3) Practicing medicine while under the influence of alcohol, narcotic or
20 hypnotic drugs or any substance that impairs or may impair the licensee's ability
21 to safely and skillfully practice medicine.

22 (6) Engaging in the practice of medicine in a manner that harms or may harm
23 a patient or that the Board determines falls below the community standard.

24 (25) Violating a formal order, probation or a stipulation issued by the board
25 under this chapter

(38) Any conduct or practice that endangers a patient's or the public's health or
may reasonably be expected to do so.

1 **NOW, THEREFORE, IT IS ORDERED AND AGREED AS FOLLOWS:**

2 Pursuant to A.R.S. § 32-1855 (C), License No. 4405 held by **AARON GLOSKOWSKI,**
3 **D.O.,** is placed on **PROBATION** for 5 years from the effective date of this Order, with the
4 following terms:

5 1. **Practice of medicine:** Physician may practice medicine up to twenty (20)
6 hours per week during the time he is participating in the IOP (see Findings of Fact 10 above, and
7 term 3, below). After successful completion of that program, Respondent may appear before the
8 Board at the September 12, 2009 scheduled meeting to request amendment of this term of
9 Probation. This paragraph shall not preclude Respondent from seeking earlier review.

10 2. **Participation in Monitored Aftercare:** Physician shall promptly participate in
11 the Board's monitored aftercare program. As part of participation, Physician shall cooperate
12 with Board Staff.

13 3. **Intensive Outpatient Program:** Physician shall participate in the IOP until
14 the Medical Director of that program approves Physician's discharge from the program.
15 Physician shall authorize release of reports of participation in the IOP and an updated evaluation
16 to the Board.

17 4. **12 Step or Self-Help Group Meetings:** Physician shall participate in 12-step
18 meetings or other self-help group meetings appropriate for alcohol/substance abuse and approved
19 by Board Staff. Physician shall attend 90 meetings in 90 days beginning not later than either (a)
20 the first day following Respondent's April 30, 2009 discharge from the in-patient program or (b)
21 the effective date of this Order.

22 5. The log of attendance at those meetings shall be initialed by the meeting leader.
23 After successful completion of those 90 meetings, additional meetings shall be completed under
24 such terms and within such time frame as recommended by Board Staff after reviewing the
25 updated evaluation.

1 6. **Relapse Prevention Meetings:** Upon completion of the IOP, the Board may
2 require Physician to participate in Relapse Prevention Meetings for health care professionals
3 approved by the Executive Director, under such terms and within such time frame as
4 recommended by the Board approved psychologist or as recommended by the Medical Director
5 of Physicians's IOP.

6 7. **Board /Staff approved Psychological counseling:** Physician shall promptly
7 obtain a licensed psychiatrist, psychologist or counselor, and submit the name of that person to
8 the Board staff for approval. Physician shall cause that psychiatrist, psychologist or counselor to
9 submit to the Board an initial assessment of Physician within 10 days of this Order, and quarterly
10 statements of progress thereafter. Physician shall continue participation as recommended by the
11 psychiatrist, psychologist or counselor.

12 8. If medications are prescribed by a psychiatrist, Physician shall report those to
13 his Primary Care Provider (see section 8) and the Board staff within 48 hours. The notification
14 shall contain all information required for the medication log entry specified in paragraph 11.
15 Physician shall request that the notification be made a part of the PCP's medical record.

16 9. **Board /Staff Approved Primary Care Physician:** Physician shall promptly
17 obtain a primary care physician ("PCP") and shall submit the name of the physician in writing to
18 Board Staff for approval. The PCP shall not be in the same office practice as the Physician, nor
19 related to the Physician by blood or marriage. The PCP shall be in charge of providing and
20 coordinating Physician's medical care and treatment. Except in an *Emergency*, Physician shall
21 obtain medical care and treatment only from the PCP and from health care providers to whom
22 Physician is referred by the PCP. Physician shall request that the PCP document all referrals in
23 the medical record. Physician shall promptly inform the PCP of Physician's rehabilitation efforts
24 and provide a copy of this Agreement to the PCP. Physician shall also inform all other health
25 care providers who provide medical care or treatment that Physician is under this Order.

1 "Emergency" means a serious accident or sudden illness that, if not treated
2 immediately, may result in a long-term medical problem or loss of life.

3 10. **Medication:** Except in an *Emergency*, Physician shall take no *Medication*
4 unless the PCP or other health care provider to whom the PCP refers Physician prescribes the
5 *Medication*. In the case of over-the-counter medications, Physician shall provide to his PCP a
6 list of over-the-counter *Medications* currently taken; PCP shall review and approve those and
7 recommend any new *Medications* needed. Physician shall not self-prescribe any *Medication*.

8 "Medication" means a prescription-only drug, controlled substance, and over-the
9 counter preparation, other than plain aspirin, plain ibuprofen, and plain
10 acetaminophen.

11 11. If a controlled substance is prescribed, dispensed, or is administered to
12 Physician by any person other than the PCP, Physician shall notify the PCP in writing within 48
13 hours and notify the Board staff immediately. The notification shall contain all information
14 required for the medication log entry specified in paragraph 11. Physician shall request that the
15 notification be made a part of the medical record. This paragraph does not authorize Physician
16 to take any *Medication* other than in accordance with paragraph 9.

17 12. **Medication Log:** Physician shall maintain a current legible log of all
18 *Medication* taken by or administered to Physician, and shall make the log available to Board
19 Staff upon request. For *Medication* (other than controlled substances) taken on an on-going
20 basis, Physician may comply with this paragraph by logging the first and last administration of
21 the *Medication* and all changes in dosage or frequency. The log, at a minimum, shall include the
22 following:

- 23 a. Name and dosage of *Medication* taken or administered;
24 b. Date taken or administered;
25 c. Name of prescribing or administering physician;
d. Reason *Medication* was prescribed or administered.

1 This paragraph does not authorize Physician to take any *Medication* outside the parameters of
2 this Order.

3 13. **No Alcohol or Poppy Seeds:** Physician shall not consume alcohol or any food
4 or other substance containing poppy seeds or alcohol. It is Physician's responsibility to be aware
5 of and to use reasonable efforts to avoid alcohol used in personal hygiene products or in the
6 preparation of food or drink.

7 14. **Biological Fluid Collection:** During all times that Physician is physically
8 present in the State of Arizona and such other times as Board Staff may direct, Physician shall
9 promptly comply with requests from Board Staff to submit to biological fluid collection. If
10 Physician is directed to contact an automated telephone message system to determine when to
11 provide a specimen, Physician shall do so within the hours specified by Board Staff. For the
12 purposes of this paragraph, in the case of an in-person request, "promptly comply" means
13 "immediately". In the case of a telephonic request, "promptly comply" means that, except for
14 good cause shown, Physician shall appear and submit to specimen collection not later than two
15 hours after telephonic notice to appear is given. The Board in its sole discretion shall determine
16 good cause. The Board staff may require the collection to be observed or witnessed.

17 15. Physician shall cooperate with collection site personnel regarding biological
18 fluid collection. Repeated reports from collection site personnel that Physician is not
19 cooperating regarding collection may be considered failure to comply with this Order (see
20 paragraph 25). The lab is federally certified and will at all times comply with the federal
21 guidelines concerning the collection and chain of custody of all samples. Physician authorizes
22 any person or organization conducting tests on the collected samples to provide testing results to
23 the Board.

24 16. **Relapse:** For the purpose of this Order, the positive finding in Physician's
25 biological fluid of a drug or medication not prescribed to the Physician in accordance with this
Order shall be considered proof of a relapse. In the event of a chemical dependency relapse by

1 the Respondent, or Respondent's use of drugs or alcohol in violation of the Order, Respondent's
2 license shall be summarily suspended pending a formal administrative hearing for revocation. In
3 the alternative, Respondent may surrender his license if he agrees in writing to being impaired by
4 alcohol or drug abuse.

5 17. **Payment for Services:** Physician shall pay for all costs associated with
6 participating in this Probation, at time service is rendered, if required, or within 30 days of each
7 invoice sent to Physician.

8 18. **Out of State Travel and/or Unavailability at Home or Office Telephone**
9 **Number:** Physician shall provide Board Staff at least three business days advance written notice
10 of any plans to be away from the office or home when such absence would prohibit Physician
11 from responding to an order to provide a biological fluid specimen or from responding to
12 communications from the Board. The notice shall state the reason for the intended absence from
13 home or office, and shall provide a telephone number that may be used to contact Physician.

14 19. **Examination:** Physician shall submit to mental, physical, and medical
15 competency examinations at such times and under such conditions as directed by the Executive
16 Director to assist in monitoring compliance with the terms of this Agreement and Physician's
17 ability to safely engage in the practice of medicine.

18 20. **Obev All Laws:** Physician shall obey all federal, state and local laws, and all
19 rules governing the practice of medicine in the State of Arizona.

20 21. **Interviews:** Physician shall appear in person before the Board and or Board
21 staff for interviews upon request, and the Board and Board staff agree to provide reasonable
22 notice in advance of any requested appearances.

23 22. **Address and Phone Changes, Notice:** Physician shall notify the Board in
24 writing, within three business days, of any change in office or home addresses and telephone
25 numbers.

1 23. **Ceasing Practice in the State of AZ:** In the event that Physician ceases to
2 practice medicine in the State of Arizona, by moving out of state, failing to renew his license, or
3 maintaining an AZ license but ceasing to practice clinical medicine or administrative medicine
4 requiring licensure, Physician shall notify the Board that he has ceased practicing in AZ, in
5 writing, within 10 days of ceasing to practice. In its sole discretion, the Board may stay the terms
6 of this Order until such time as the Physician resumes the practice of medicine in AZ, or may
7 take other action to resolve the findings of fact and conclusions of law contained in this Consent
8 Agreement and Order for Probation.

9 24. **Failure to Comply / Violation:** Respondent's failure to comply with the
10 requirements of this Order shall constitute an allegation of unprofessional conduct as defined at
11 A.R.S. § 32-1854(25); proven violations may be grounds for further disciplinary action (e.g.,
12 suspension or revocation of license).

13 EFFECTIVE AND ISSUED THIS 29th DAY OF JUNE 2009.

14 STATE OF ARIZONA
15 BOARD OF OSTEOPATHIC EXAMINERS
16 IN MEDICINE AND SURGERY

17 By: Elaine LeTarte
18 Elaine LeTarte, Executive Director

19 Original "Consent Agreement and Order for Probation"
20 filed this 29 day of June 2009 with the:

21 Arizona Board of Osteopathic Examiners in Medicine and Surgery
22 9535 East Doubletree Ranch Road
23 Scottsdale AZ 85258-5539

24 Copy of the foregoing "Consent Agreement and Order for Probation"
25 Delivered by hand this 29 day of June 2009 to:

 Aaron Gloskowski, D.O.
 Address of Record

1 Michael R. Ross, Esq.
2 Gallagher & Kennedy, PA
3 2575 E Camelback Rd
4 Phoenix, AZ 85016-9225
5 Counsel for Dr. Gloskowski

6 Copy of the foregoing "Consent Agreement and Order for Probation"
7 sent via interagency mail this *HA* of June 2009 to:

8 Asst Attorney General
9 Office of the Attorney General CIV/LES
10 1275 West Washington
11 Phoenix AZ 85007

12 *Kathy Trulles*
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